



EMBASSY OF THE
UNITED STATES OF AMERICA
Rio de Janeiro

Rec'd Ambassador's Office

FEB 12 1971

February 8, 1971

MEMORANDUM - ~~SECRET~~

TO: The Ambassador

FROM: ECON - R.J. Bloomfield

SUBJECT: The Case of Rubens Paiva

*file
Discussed
with Mr. Gerassi
in Jan 1971*

I am reporting to you on the case of Rubens Paiva for a number of reasons. First, it is a commentary on the lack of civil liberties in Brazil today. Second, I have had personal contact with the case. Third, it may become a cause celebre in the United States, if not in Brazil. An article on the detention of the Paivas which appeared in the New York Times of February 2 is attached.

Rubens Paiva is a Brazilian engineer, from a well-to-do Paulista family. Prior to the 1964 Revolution, he was a Congressman from São Paulo, a member of Goulart's Labor Party. After the March 1964 Revolution, he was cassated and stripped of his political rights for ten years. Until last month, he had never been accused or questioned by security forces. Since 1964, he has been in the construction business. He lives with his wife and five children on Avenida Delfim Moreira in the Leblon district of Rio.

My wife and I met the Paivas through an old friend of ours who is a good friend of theirs, Mrs. Marysa Gerassi. Mrs. Gerassi is a professor of Latin American History at Dartmouth. We ourselves never became close friends of the Paivas, however, and have seen them only about four or five times in the past two-and-a-half years, chiefly during Professor Gerassi's visits to Brazil.

The following details of the Paivas incarceration were told to me by Mrs. Paiva. Some of the information also appeared in the local press during the last week of January.

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Declassified Authority: 43265
By: Brewer Thompson Date:
05-06-2015

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On January 20 about six men forced their way into the Paiva house at gunpoint. They identified themselves as members of the Air Force security forces. Several of the men took Mr. Paiva away almost immediately. (They used one of the family cars to do so.) Other agents remained in the house with the rest of the Paiva family until the following day. Three young men, teenage friends of the Paiva girls, who happened to come by the house on January 20-21, were detained, taken to another location, questioned and released after being held overnight.

On the 21st, the agents informed Mrs. Paiva that she and her fifteen year old daughter, Eliana, would have to accompany them for questioning. (Apparently the agents were angry at Eliana because she had managed to slip out of the house at one point and call her father's brother-in-law, who rather ingenuously called the house, only to be overheard by one of the agents.) They were driven to a spot in Tijuca in the north zone of Rio, where hoods were placed over their heads. Mrs. Paiva said that they were close to the First Army headquarters on Barão de Mesquita so that she was sure that it is where they were being taken.

Mrs. Paiva was held twelve days. Her daughter was held overnight, questioned, and released. Mrs. Paiva was interrogated at length every day, and was often awakened at night for questioning. She was not physically mistreated. However, in the several rooms in which her interrogation took place she saw the pau de arara (parrot's perch) and electric shock equipment. She also heard screams frequently while in her cell. Toward the end of her imprisonment one of her interrogators denied to her that torture was used and said that the screams she had heard were tape recordings which were played to intimidate prisoners.

Her small cell was furnished with a straw mattress and an open showerhead. She was given no change of clothing and after several days managed to shower and dry herself with her dress while her guards discreetly looked the other way. After five days her family managed to send some clothing to her.

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Meanwhile the Paivas' lawyer was attempting to obtain a grant of habeas corpus from the Superior Military Tribunal, or at least obtain some acknowledgment by the security forces who had taken the Paivas that they were being held. The STM in due course asked the various military authorities for information regarding the Paivas, only to be met with a stony silence. (I am told that, according to the Brazilian Constitution, the police authorities are supposed to inform the proper court about anyone they detain, even for political crimes, after a period of ten days. This provision has been ignored in the Paivas case.)

Mrs. Paiva was released on February 2. She was again hooded, and was left on the street in Tijuca. She told me that from what her captors told her, the incident which led to her and her husband's arrest was the interception of a letter from a Brazilian in exile in Chile. One of her eldest daughter's classmates who had been arrested several times by the Brazilian security forces managed to flee the country and is living in Chile. His mother apparently visited him there in January and brought back a number of letters from Brazilian exiles. She was detained at Galeão and the letters seized. Mrs. Paiva's interrogators at first told her that all the letters were to be delivered to her husband, although later they seemed to intimate that he was only one of the addressees. At any rate, her captors told her that the letter or letters led them to believe that her husband was a key figure in the Brazilian terrorist movement.

Mrs. Paiva still does not know who wrote to her husband from Chile. However, she thinks that it might have been Helena Bocaiuva. Helen Bocaiuva is the daughter of a socially-prominent "Baby" Bocaiuva and his wife, Dalal. The elder Bocaiuvas are close friends of the Paivas. Helena Bocaiuva was implicated in the kidnapping of Ambassador Elbrick. She managed to flee Brazil and is residing in Chile. Helena has broken with her family, whom she regards as hopelessly "bourgeoise". Last year Rubens Paiva visited Chile on business and talked to Helena in an attempt to persuade her to give up her revolutionary way of life, settle down and study, and become reconciled with her parents. Mrs. Paiva surmises that Helena wrote to Rubens Paiva so that her parents might have

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some news of her. However, this is all guesswork on Mrs. Paiva's part. Her husband also has several friends from the "old left" who are living in Chile because they fear being tried by the Brazilian authorities for pre-1964 political "offenses". Rubens has been trying to help one of them, an ex-deputado by the name of Almorim (phonetic), to return to Brazil.

Mrs. Paiva told me that she was going to São Paulo yesterday, February 7, to see Minister of Justice Buzaid in an attempt to find out about her husband's whereabouts.

As for my own contact with the case, I called the Paiva house the day the news of their detention first appeared in the newspapers. (This must have been on January 21 or 22.) I talked to their daughter, Eliana, who had just been released. She was in a highly emotional state and pleaded with me to do something on behalf of her parents. I explained that as a foreign diplomat it would be inappropriate for me to make any inquiries. I asked if there was anything I could do for her or her brother and sisters. She said that her grandparents were taking care of them. The following day I was called at the office by a man who identified himself as Bocaiuva, the friend of the Paivas mentioned above. Strangely, he said that he understood that I had called him about the Paivas. I replied that I had not called him but had called the Paiva house and had talked to Eliana. I asked about their lawyer's efforts and he said that there was no news. He said he would let me know if anything developed.

The news of Mrs. Paiva's release was carried in the press on February 3. However, I let several days pass before contacting her, and called her yesterday, February 7. She came to my house yesterday evening, accompanied by a young man who is a friend of her daughter, and told me the story I have described above.

I also telephoned Professor Gerassi last night at Hanover, New Hampshire, to tell her that Mrs. Paiva had been released, and that I had seen her. Professor Gerassi said that another friend had already called her with the news. She said that she was in touch with someone in Senator Frank Church's office

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and hoped to get Senator Church to make a statement regarding the Paiva case. (I did not comment on that.)

I have no evidence one way or the other, of course, to confirm or deny Rubens Paiva's involvement with terrorist activities. I strongly doubt, however, that he was so involved. For example, using the mother of a known political exile as a courier strikes me as a terribly stupid way for a terrorist to conduct his business.

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Attachment:

NYTimes article of
2/2/71.

cc: DCM
POL
POL/R
Col. Moura

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A Girl Pleads for Release of Parents, Victims of Brazil's Police Repression

By JOSEPH NOWITSKI
Special to The New York Times

BRASILIA, Feb. 1.—Eleven days ago a 15-year-old Brazilian girl watched her prominent father, his head covered by a black hood, led from their home by unidentified Government security agents. The next day she was hooded and taken with her mother to an army police barracks in Rio de Janeiro.

The girl, Eliana Paiva, was released after spending one night in a cell. Today she wrote to Brazil's Commission for the Defense of Human Rights, a Government-controlled investigative body with headquarters here, to appeal for help in having her parents released. They have disappeared in the course of an incident exemplifying repressive police tactics in Brazil.

Strangely, the censored press has been allowed to publish some details of the detention and disappearance of Rubens Paiva, a 41-year-old civil engineer once active in leftist politics in Parliament, and his wife Eunice in Rio de Janeiro. And, although similar cases in the past have gone officially unnoticed, it is understood that Mr. Paiva's rich and influential family has indirectly brought the situation to the attention of Gen. Ernesto G. Medici, President of Brazil's military Government.

Brazilian military and political police, engaged in a battle against small urban guerrilla groups of the radical left, began adopting extreme tactics last year, which practically unrestricted

police powers in force since late 1968, armed arresting officers in civilian clothes in Rio de Janeiro have taken to hiding their identity. They sometimes put black hoods over their prisoners' heads en route to detention centers so that the prisoners will not be able later to identify their surroundings or interrogators.

Lawyers, former politicians, students and businessmen with political sympathies opposed to the Government have been reported arrested, held and released without charges or trial. Despite formal Government denials, there are persistent and reliable reports that suspected terrorists and sometimes other prisoners have been tortured. They are reportedly beaten during interrogations, hung upside down and contorted with electric stocks applied to sensitive parts of their wet bodies.

Mr. Paiva, a former member of the Chamber of Deputies who was stripped of his political rights for 10 years shortly after the military came to power in 1964, was taken from his luxurious home on the afternoon of Jan. 20. Friends of the family in Rio said the six men who detained him did not identify themselves.

Several agents remained in the house overnight. They detained three boys who came to those

visitors, according to those who know the family, and did not allow the maids or three younger Paiva children to leave the house.

Night Spent in Cell

The next day Mrs. Paiva, her daughter and the three boys were taken away in unmarked cars. The boys were later released.

"I was taken with my mother to prison where I spent the night in a cell," Eliana wrote in her letter delivered to a member of the human rights group. "With all this, I'm not the same girl I was, and my friends don't look on me the same way."

"I was released the next day," the girl continued. "I have not seen my mother since or heard anything of my father. The reason and the why of this I do not know at all. I am losing the confidence in freedom and human rights that I had."

On the day Eliana was released not far from the main military police barracks in Rio, but across the city from her home, the police told reporters that a detained former congressman, identified only by the first name Rubens, had escaped after a machine gun assault on the small sedan in which he was being transported by army agents.

The military, which has a media lobby, has denied that the man who saw the bullet

hit the car, and the man who turned

the bullet, was a member of the

army.

There were no skid marks on

the mountain road where police

firm to family members that he

Rubens died in prison and

they're trying to prepare an ex-

cuse."

In her appeal, written in a

square, girlish hand, Mr. Paiva's

daughter said, "I do not know

information was supplied. Dr. from his friends, who are many where my parents are, and I

Paiva has not been heard from and influential," a friend of the

want them back for me and for

since his detention. Army family said, "or there was my brothers."

The Proceedings In the U.N. Today

Feb. 2, 1971

GENERAL ASSEMBLY

Committee on Defining Ag-

gression—3 P.M.

Committee on Rationaliza-

tion of Procedures and Or-

ganization—3 P.M.

DEVELOPMENT PROGRAM

Governing Council—3 P.M.

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